IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION No.3286 of 2007.

Amar Shankar Kamble. ..Applicant.

Vs.

The State of Maharashtra ..Respondent.

Mr Rahul S. Kate, Advocate for the applicant.

Mr K. V. Saste, A.P.P for the State.

CORAM: V.C. DAGA,J.
DATED: 8.10.2007.

P.C.:-

1. Heard learned counsel for the applicant and learned APP for the State.

2. Perused application and the material available on record.

3. The applicant is seeking bail in C.R. No. 260 of 2007 registered with Deccan Police Station, Pune for the offence punishable under Section 395 read with Section 34 of the I.P.C.

4. According to the prosecution, the present applicant-accused and other co-accused had cut sandal wood trees standing in the campus of ILS Law College, Pune and when the Watchman noticed the theft that was being committed by the applicant-accused and other

co-accused, he was threatened to death by them. The accused took away the sandal wood. However, the security guard chased the four accused persons out of whom only two accused could be caught raid handed but they ran away.

5. Having heard the rival parties and having seen the material available on record, prima facie, the ingredients of the offence punishable under Section 395 of the I.P.C. cannot be made out.

6. The learned counsel for the applicant submits that the applicant is already in custody for more than four months. Nothing is recovered from him. Investigation is already complete. The charge-sheet is yet to be filed. Co-accused Santosh Shahaji Patil and Amar Baburao Kamble are enlarged on bail vide order dated 12.9.2007 passed by this Court in Cri. Appln. No. 2853 of 2007. The learned A.P.P. opposed this application, however, could not take his submission to the logical end.

7. In the above view of the matter, I am inclined to grant bail to the present applicant on following terms and conditions.

a] the applicant-accused Amar Shankar Kamble be released on bail in C.R. No.260 of 2007 in the sum of Rs. 10,000/-each with one or two sureties each in the like amount.

b] the applicant shall report Deccan Police Station,Pune once in a week i.e. on Friday between 3.00 to 5.00 p.m. till conclusion of the trial.

c] the applicant shall not pressurise prosecution witnesses and that they shall co-operate the Investigating agency.

d] The applicant shall co-operate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicant-accused to delay the trial may be a ground for cancellation of bail.

e] The order of bail will be given effect only after the applicant furnishes to the Trial Court the details about his place of residence and address where he proposes to stay after he is enlarged on bail.

f] Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

8. The application is allowed in the above terms.

(V.C. DAGA,J.)